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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,082	01/08/2004	Holger Hoppe	543822003200	5415

25227 7590 08/03/2006
MORRISON & FOERSTER LLP
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MCLEAN, VA 22102

EXAMINER

ABRAMS, NEIL

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,082

Applicant(s)

HOPPE

Examiner

Neil Abrams

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-9, 11-19 are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-9, 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION.

1. Claims 18 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

2. The feature of 15° difference lacks basis in disclosure as filed since no such qualitative relationship shown. Note that for claims 1, etc “substantially different sizes” finds basis in figure 5 at 01 and 02.

3. Claims 1-3, 5, 7-9, 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Min in view of Belopolsky and Germany19852942.

4. Min, discussed in last office. Figure 8 used to show wave shaped pin, but does not disclose different size wave amplitudes. Since no clear advantage of this feature is apparent, it is deemed an obvious variation. Applicant refers to alignment, however this aspect is not in the specification and further, the figure 5, pin ends 26 provide guidance, the different size waves are not seen to affect such guidance. In addition, even without intention, since same size waves are not required obvious that one wave could be “substantially larger” than other one, the terms broadly readable. In addition, Belopolsky, figure 3B, discloses contacts with different size wave amplitudes at 170, 171, (fig 3A) with pin axis along line central to stem 611, upper wave at 170 or 680 having greater size. Both waves contact the recess wall, see figure 6C. The size relationship is also seen in figure 6C. Germany fig 2 pin includes waves 6,7 with

wave 7 of greater amplitude than that at 6 and both waves contacting the recess wall, fig 2. Obvious to apply these amplitudes relationship to Min, figure 8, since this would provide easier insertion. The claims 18, 19 recited 15° difference deemed obvious design matter.


5. Applicant's arguments filed with the amendment have been fully considered but they are not persuasive. Argument as to Belopolsky are unclear, figure 3A crests 170, 171 seen to be of different amplitudes. Applicant has argued that German pin end is not attenuated however close review shows greater bulge at 7 than at 6. In any case Belopolsky adequate and Germany is used only in a supplementary way. For claims 1-2, 5, 8-9, 11-14, 18, 19, note that "different size" limitation covers case with larger wave being furthest from socket in which case alignment advantages discussed in Remarks would not apply.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to Neil Abrams at
telephone number 571-272-2089


NEIL ABRAMS
PRIMARY EXAMINER